

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

CONNECTICUT GENERAL LIFE INSURANCE)
COMPANY, CIGNA HEALTH AND LIFE)
INSURANCE COMPANY)

Plaintiffs,)

v.)

Case No. 2:15-cv-00253-JD-PRC

NORTHWEST REGIONAL SURGERY CENTER, LLC,))
et al,)

Defendants.)

**JOINT MOTION FOR SCHEDULING ORDER ON MOTION TO DISMISS
FIRST AMENDED COMPLAINT**

The parties file this *Motion* to establish a briefing schedule and page limits on a motion to dismiss Plaintiffs' *First Amended Complaint*. In support, the Parties state as follows:

1. On July 6, 2015, the Plaintiffs filed a fifty-two page Complaint with numerous exhibits against thirteen Defendants. The Complaint asserted eight different state and federal claims, including civil RICO, against the Defendants.

2. On August 4, 2015, the Court granted the parties' *Joint Motion For a Briefing Schedule*. (ECF No. 29). On September 11, 2015, the Court granted the parties' *Joint Motion to File Enlarged Briefs*, giving the parties 35 pages each for their initial brief and response and 20 pages for Defendants' reply (ECF No. 34).

3. On September 14, 2015, Defendants timely filed a Motion to Dismiss Plaintiffs' complaint. (ECF No. 35).

4. Instead of responding to Defendants' Motion to Dismiss, Plaintiffs filed a *First Amended Complaint* on October 5, 2015. (ECF No. 37). The Plaintiffs *First Amended Complaint*

is 46 pages long, and contains nine counts against thirteen defendants, including new claims not previously asserted in Plaintiffs' original Complaint.

5. Fed. R. Civ. P. 15(a)(3) and 6(d) require Defendants to answer or otherwise respond to Plaintiffs' *First Amended Complaint* within just 17 days, or by October 22, 2015. Defendants intend to file a Motion to Dismiss the *First Amended Complaint*.

6. The parties have conferred and agreed to the following briefing schedule and page limits with respect to Defendant's Motion to Dismiss the *First Amended Complaint*, which is consistent with the limits and deadlines previously entered by the Court with respect to Defendants' prior Motion to Dismiss:

- **November 20, 2015:** Defendants' Motion to Dismiss, with supporting brief not to exceed 35 pages.
- **January 4, 2016:** Plaintiffs' Response, not to exceed 35 pages.
- **February 1, 2016:** Defendants' Reply, not to exceed 20 pages.

7. The parties agree that permitting the above page limits and deadlines will reduce the need for filing repeated motions with this Court and are necessary given the number and complexity of allegations, claims, and exhibits in the *First Amended Complaint*.

THEREFORE, the parties respectfully request that the Court enter an order providing briefing deadlines and page limits on a motion to dismiss Plaintiffs' *First Amended Complaint* as set forth above, and for all other appropriate relief.

Respectfully submitted,

s/ Daniel K. Ryan

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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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